

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GLORIA TANKESLY, as personal representative
of JAMES TANKESLY, deceased.

Plaintiffs,

vs.

Case No. [2:18-cv-00996-JCH-KRS](#)
JURY DEMANDED

J.C. PENNEY CORPORATION, INC.

Defendant.

**STIPULATED MOTION TO EXTEND DISCOVERY DEADLINE AND SUBSEQUENT
DEADLINES CONTAINED IN THE SCHEDULING ORDER**

COME NOW the Plaintiffs, by and through counsel of record, Samuel I. Kane, P.A., and the Defendant, by and through counsel of record, Gallagher, Casados & Mann, PC (Nathan Mann), and hereby move to extend the discovery deadline and all subsequent deadlines contained in the Scheduling Order entered on January 23, 2019 and as grounds for this Motion the Parties state:

1. The Complaint in this matter was filed in the Third Judicial District Court, Dona Ana County, New Mexico on July 19, 2018.
2. Defendant was served with the summons and complaint on September 27, 2018.
3. The Defendant filed a Notice of Removal on October 24, 2018 and the case was at issue on October 25, 2018 when Defendant filed its answer. Thereafter the parties submitted a Joint Scheduling Report and Provisional Discovery Plan, and a scheduling conference was held on January 22, 2019.
4. The Scheduling Order sets a discovery deadline of July 16, 2019, with subsequent deadlines relating to motions related to discovery, dispositive motions and Daubert motions.

5. The parties have prepared and responded to written discovery, and depositions of the Plaintiffs have been taken. Plaintiffs have identified 2 expert witnesses.

6. The parties recently had a settlement conference, at which time both parties participated in good faith, but the case did not settle.

7. Plaintiff's counsel has now discovered that there are additional records and billing statements for home health services which plaintiff's decedent incurred, and which have not been obtained at this time, although they have now been requested.

8. Given the schedules of counsel and witnesses, the parties that do not reasonably believe that they can conclude discovery by the discovery deadline of July 16, 2019.

9. The parties are requesting that the discovery deadline be extended an additional 90 days, until October 16, 2019, and that the subsequent deadlines contained in the Scheduling Order also be extended an additional 90 days in order to allow the parties to continue discovery and potentially continue settlement negotiations.

WHEREFORE the Parties request that the discovery deadline be extended by 90 days, and that all subsequent deadlines contained in the Scheduling Order be extended by 90 days. The Parties seek such additional relief as this court deems appropriate.

Respectfully Submitted:

/s/ Samuel I. Kane

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Email approval 5/31/19

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CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of June, 2019, a true and correct copy of the foregoing was emailed to:

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c/o Nathan Mann and Harriet Hickman
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/s/ Samuel I. Kane
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